

M E M O R A N D U M

TO: Governing Board Members

FROM: Kenneth G. Ammon, P.E., Deputy Executive Director,
Everglades Restoration and Capital Projects

DATE: December 23, 2010

SUBJECT: Approval of 2011 Priority List and Schedule for Minimum Flows and Levels

Background:

Florida law requires an annual update by water management districts to prioritize Minimum Flows and Levels (MFL) rule efforts (see attachment A). Florida law requires all water management districts to establish MFL by rule for surface water and aquifers within their jurisdiction to protect the water resources. MFL criteria have been adopted for 12 water bodies within the SFWMD. In addition to MFLs, water reservations and restricted allocation areas have been adopted by rule to protect natural systems. A separate list where water reservations or restricted allocation area rules will be developed is also included (see attachment B) to capture all rule development activities. Which legal tool to apply is dependent on a number of factors that vary by the water resource being protected and the type of protection needed for the water resource. For example, an MFL is appropriate when future withdrawals are identified in regional water supply plans as potentially causing significant harm, while a reservation is more appropriate for restoration projects to protect water necessary for fish and wildlife.

How this helps meet the District's 10-Year Strategic Plan:

Completing rule making for the priority water resources listed will protect water for the natural system from allocation, which is one of the Water Supply program's success indicators. Completing water reservation rule making will fulfill one of the federal legal requirements necessary for CERP projects to initiate construction. For example, the federal cost-sharing agreement called the Project Partnership Agreement for the CERP Caloosahatchee (C-43) West Basin Reservoir Project can be executed once the Caloosahatchee Estuary water reservation rule becomes effective.

Funding Source:

No funding is associated with this item.

This Board item impacts what areas of the District, both resource areas and geography:

The next five years will focus on completing the ongoing reservation rules for Caloosahatchee Estuary and Kissimmee River and Chain of Lakes. Rule development will begin to protect water through a restricted allocation area rule for Biscayne Bay in support of the Biscayne Bay Coastal Wetland Phase I CERP project. Investigations will

begin in Estero, Rookery and Naples bays to determine if additional regulations are warranted to protect these water bodies. Data collection and its analysis as well as model development and application to lay the foundation to update MFL criteria for the Caloosahatchee Estuary will continue. The technical evaluation and its documentation to determine whether to update of the existing Florida Bay MFL will be completed in 2011.

What concerns could this Board item raise?

Some stakeholders may prefer additional water bodies listed as a priority on the MFL list. This is especially true for water bodies that are under investigation such as Estero, Rookery and Naples bays. Other stakeholders will support the addition of updating the Caloosahatchee Estuary MFL criteria and the initiation of rule development to protect Biscayne Bay.

Why should the Governing Board approve this item?

The South Florida Water Management District is required by Section 373.042, Florida Statutes, to conduct an annual update of the Minimum Flows and Levels Priority List to reflect changing water resource management priorities and to provide staff guidance as to the Governing Board's priorities.

Attachments: Resolution

2011 Priority List and Schedule for Minimum Flows and Levels

2011 Water Reservation and Restricted Allocation Area Rule Activities

KGA/bjm